

RECEIVED  
CENTRAL FAX CENTER  
DEC 01 2006

FAX COVER SHEET  
**BANIAK PINE & GANNON**  
Intellectual Property Attorneys  
150 N. Wacker Drive, Suite 1200  
Chicago, Illinois 60606  
Telephone 312-673-0360  
Facsimile 312-673-0361

Date: December 1, 2006

To: Examiner Timothy M. Harbeck, Art Group 3692

U.S. Patent & Trademark Office

Fax No: 571-273-8300

From: Steven B. Courtright

Tel. No: 312-673-0360

Re: U.S. Serial No. 09/910,859, filed July 24, 2001

Attorney Docket No.: 6806/3

No. of Pages including this page): 4

Please find attached a Transmittal Form and a Request to Withdraw Finality of Office Action dated December 1, 2006.

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,  
PLEASE CALL 312-673-0360 AND ASK FOR Lisa Pistorio

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

RECEIVED  
CENTRAL FAX CENTER

002/004

DEC 01 2006

PTO/SB/21 (09-04)  
Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for correspondence after initial filing)

Application Number	09/910,859
Filing Date	July 24, 2001
First Named Inventor	Gary Chodes
Art Unit	3692
Examiner Name	Timothy M. Harbeck
Attorney Docket Number	6806/3

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Postcard Receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Request to Withdraw Finality of Office Action, (with encl.)
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)		
<input type="checkbox"/> Extension of Time Request		
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-0930</u> . A duplicate copy of this sheet is enclosed.	

## CALCULATION OF FEE

	Claims After Amendment	Highest No. Previously Paid For	Present Extra
Total	Minus	(20)	0
Indep.	Minus	(3)	0
First Presentation of Multiple Dep. Claim			

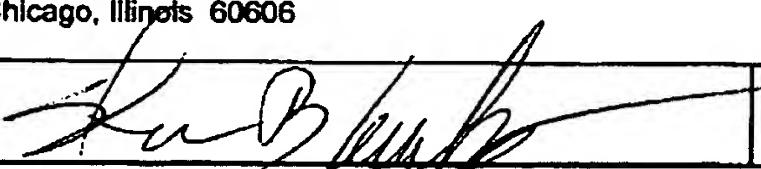
## Small Entity

Rate	Add'l Fee
x \$25=	0
x \$100=	0
+ \$180=	—

## Large Entity

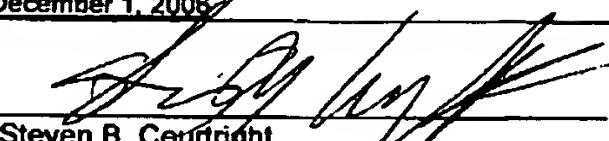
Rate	Add'l Fee
x \$50=	
x \$200=	
+ \$360=	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael D. Gannon, Reg. No. 36,807 Attorney for Applicant Steven B. Courtright, Reg. No. 40,966 Agent for Applicant  BANIAK, PINE, AND GANNON 150 N. Wacker Drive, Suite 1200 Chicago, Illinois 60606		
Signature		Date	December 1, 2006

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents at the United States Patent and Trademark Office to Fax No. 571-273-8300 on December 1, 2006.

Signature		Date:	December 1, 2006
Steven B. Courtright			

RECEIVED  
CENTRAL FAX CENTER  
DEC 01 2006

6806/3

## **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents at the United States Patent and Trademark Office to Fax No. (571) 273-8300 on December 1, 2006.

Steven B. Courtright  
Name of Applicant, Assignee, or Registered Representative

December 1, 2006

December 1, 200  
Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#### In the application of:

### **Application Ex.**

Serial No.: 09/910.859

Group Art Unit: 3628

Filed: July 24, 2001

Examiner: Harbeck, T.

## **For: Method and System for Affluent Retiree Advance**

**REQUEST TO WITHDRAW FINALITY OF OFFICE ACTION**

**Mail Stop - Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Dear Sir:

Responsive to the office action mailed October 19, 2006, reconsideration of the finality of the office action is requested based on the following remarks. In the action, a new search was performed and the action made final based on *newly cited art*. Contrary to the statement in the action, *none of the claims have been amended*. Therefore, it is *clearly erroneous* to make the current action final. Applicant requests the issuance of a new, non-final rejection based on the newly cited art. A copy of the power of attorney and change of correspondence address submitted on July 21, 2006, is submitted herewith. *Please note the address change.*

December 1, 2006

Respectfully submitted,

**BANIAK PINE & GANNON**  
150 N. Wacker Drive, Suite 1200  
Chicago, Illinois 60606  
(312) 673-0360  
Fax (312) 673-0361

~~Michael D. Gannon, 36,807~~  
Attorneys for Applicants  
~~Steven B. Courtright, reg. No. 40,966~~  
Agent for Applicants